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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,936	09/10/2003	Peter Joel Lasensky	67175981.001107	5039

23562 7590 10/15/2008

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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2453

MAIL DATE	DELIVERY MODE
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10/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/659,936

Applicant(s)

LASENSKY ET AL.

Examiner

THU HA T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims **1-15, and 20-36** are presented for examination.
2. Claims 16-19 and 37-130 are cancelled without prejudice.
3. Claims 1, 3, 5, 8, and 20-21 are currently amended.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 13, 2008 has been entered.

Claim Objections

5. Claims 1, 22 and 23 are objected to because of the following informalities:

6. Claim 1 recited the limitations such as "the transmitted date message" and "the combination", there is lack of antecedent basis for these limitations in this claim. Appropriate correction is required.

7. Claim 22 recited "the initiation", there is lack of antecedent basis for this limitation in this claim. Appropriate correction is required.

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8. Claim 23 recited "the stored voice message" and "the determined reply path". There is lack of antecedent basis for these limitations in this claim. Appropriate correction is required.

9. In claim 23 recited "attach6" should change to "attach".

Response to Arguments

10. Applicant's arguments filed June 13, 2008 have been fully considered but they are not persuasive because of the following reasons:

11. Applicant argues that Wu does not teach or suggest a message authority configured to use compound indexing of an intermediate address with a mobile device identifier to select the destination address of the recipient of a voice reply.

Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new ground(s) of rejection.

12.

13. Applicant argues that Wu fails to teach a receiver configured to receive data message. In response to applicant's argument, the examiner submits that Wu does teach the feature of receiver configured to receive data message as shown in col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61.

14. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1 and 22. Claims 2-15, 20-21, and 23-36 are also rejected at least by virtue of their

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dependency on independent claims and by other reasons set forth in this office action.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

OR

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

16. Claims 22, 24-28, 30 and 32-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Wu et al.** (hereinafter Wu) U.S. Patent No. **6,813,489**.

17. As to claim 22, **Wu** teaches the invention as claimed, including a communication device, comprising:

a receiver configured to receive a data message, the data message comprising an identifier that can be used to determine a reply path associated with the received data message (col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67, col. 6, lines 43-61);

a processor configured to parse the data message, extract the identifier, and determine the reply path from the identifier (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61);

a transmit action mechanism, the communication device configured to receive a spoken reply to the data message in response to the initiation of a transmit action using the transmit action mechanism (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

18. As to claim 24, **Wu** teaches the invention as claimed, including the communication device of claim 23, wherein the message generator comprises a microphone and associated audio hardware configured to receive the spoken response from a user and convert the spoken response into a voice message for

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transmission using the transmitter (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 11, line 19-22).

19. As to claim 25, **Wu** teaches the invention as claimed, including the communication device of claim 23, wherein the transmitter is a wireless transmitter configured to transmit a wireless message (figure 1, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

20. As to claim 26, **Wu** teaches the invention as claimed, including the communication device of claim 22, further comprising a display, wherein the data message further comprises textual content, and wherein the display is configured to display the textual content (col. 5, lines 30-67).

21. As to claim 27, **Wu** teaches the invention as claimed, including the communication device of claim 22, wherein the receiver is a wireless receiver configured to receive a wireless data message (figure 1, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

22. As to claim 28, **Wu** teaches the invention as claimed, including the communication device of claim 27, wherein the wireless data message comprises a two-way text message (figure 1, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

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23. As to claim 30, **Wu** teaches the invention as claimed, including the communication device of claim 27, wherein the wireless data message comprises an email message (col. 4, line 35-65).

24. As to claim 32, **Wu** teaches the invention as claimed, including the communication device of claim 22, wherein the processor is further configured to parse the received data message and extract the identifier from the parsed data message (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

25. As to claim 33, **Wu** teaches the invention as claimed, including the communication device of claim 22, further comprising a memory coupled with the processor, and wherein determining the reply path associated with the data message comprises accessing the memory and looking up the reply path using the identifier (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

26. As to claim 34, **Wu** teaches the invention as claimed, including the communication device of claim 22, wherein the reply path determined from the identifier is an intermediate reply path associated with a message authority, and wherein determining a final reply path associated with the received data message comprises transmitting the spoken reply via the intermediate reply path to the message authority (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

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27. As to claim 35, **Wu** teaches the invention as claimed, including the communication device of claim 34, wherein the processor is further configured to associate an identifier that can be used to identify a user of the communication device with the transmitted spoken reply (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

28. As to claim 36, **Wu** teaches the invention as claimed, including the communication device of claim 35, wherein the message authority is further configured to use the associated identifier and the intermediate reply path to determine a final reply path (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 1-13, 20-21, and 29 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Wu et al.** (hereinafter Wu) U.S. Patent No. **6,813,489**, in view of **Guedalia et al.** (hereinafter Guedalia) U.S. Patent No. **6,907,112**.

31. As to claim 1, **Wu** teaches the invention as claimed, including a method of communicating, comprising:

a client device generating a data message comprising textual content using (col. 1, line 59-col. 2, line 12, col. 4, lines 35-65, col. 5, lines 30-67);

the client device transmitting the data message to a mobile device (col. 6, lines 43-61);

a message authority receiving data message, associating a destination address associated with the data message with an identifier associated with the mobile device and with an intermediate address associated with the message authority and forwarding the data message to the mobile device (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61);

the mobile device receiving the transmitted data message and displaying the textual content (col. 5, lines 30-67);

the mobile device causing a voice reply to the received data message to be generated by speaking into the mobile device using a transmit action, wherein generating the voice reply comprises initiating a native voice call from the mobile device to the message authority (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61);

the mobile device associating the voice reply with the identifier that identifies the mobile device; the mobile device transmitting the voice reply to the message authority via the native voice call (col. 4, line 36-col. 5, line 67, col. 6, lines 42-61, col. 7, line 7-29); and the message authority, determining a

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destination address for the voice reply by reference of the mobile device identifier (col. 6, lines 42-61, col. 7, line 7-29).

Wu does not explicitly teach the intermediate address associated with the message authority.

Guedalia teaches the intermediate address associated with the message authority and the message authority determining a destination address by reference of the intermediate address (col. 32, line 24-col. 33, line 12, col. 34, line 5-67).

32. As to claim 2, **Wu** teaches the invention as claimed in claim 1 further comprising the mobile device transmitting a spoken reply in response to the transmit action (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

33. As to claim 3, **Wu** teaches the invention as claimed in claim 2, further comprising a message authority receiving the transmitted spoken reply, and storing the received spoken reply as a voice-message (col. 4, line 36-col. 5, line 7, col. 9, lines 40-65).

34. As to claim 4, **Wu** teaches the invention as claimed, including the method of claim 3, further comprising the message authority generating a data message indicating that a voice message is pending sending the data message to the client device (col. 5, line 9-29).

35. As to claim 5, **Wu** teaches the invention as claimed, including the method of claim 4, further comprising the message authority attaching the stored voice message or a copy of the stored voice message to the data message sent to each client device (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

36. As to claim 6, **Wu** teaches the invention as claimed, including the method of claim 4, further comprising the client device receiving the data message and retrieving the voice message or a copy of the stored voice message (col. 2, line 60-col. 3, line 17, col. 4, line 36-col. 5, line 67, col. 6, lines 42-61).

37. As to claim 7, **Wu** teaches the invention as claimed, including the method of claim 6, wherein receiving the data message comprises the client device using an email client to receive the data message (col. 4, line 35-65).

38. As to claim 8, **Wu** teaches the invention as claimed, including the method of claim 6, wherein retrieving the voice message comprises the client device receiving the data message and retrieving an attached voice message (col. 4, line 35-65).

39. As to claim 9, **Wu** teaches the invention as claimed, including the method of claim 6, wherein retrieving the voice message comprises the client device accessing the message authority to retrieve a copy of the voice message (col. 4, line 35-65).

40. As to claim 10, **Wu** teaches the invention as claimed, including the method of claim 1, wherein generating and transmitting the data message comprising using an email client to generate and transmit the data message (col. 5, line 9-29).

41. As to claim 11, **Wu** teaches the invention as claimed, including the method of claim 10, wherein the data message is an email message (col. 4, line 35-65).

42. As to claim 12, **Wu** teaches the invention as claimed, including the method of claim 1, wherein generating and transmitting the data message comprising using a web browser interfacing with a web-based application to generate and transmit the data message (col. 1, line 25-48, col. 3, line 17-39).

43. As to claim 13, **Wu** teaches the invention as claimed, including the method of claim 1. However, **Wu** does not explicitly teach wherein the data message is an SMS message. **Guedalia** teaches the data message is an SMS message (col. 28, lines 40-60). It would have been obvious to one of ordinary

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skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Guedalia** to include the feature of the data message is an SMS message because it would have provided an efficient system that provides data to the wireless data terminal.

44. As to claim 20, **Wu** teaches the invention as claimed, including the method of claim 1, further comprising the message authority converting the received spoken reply to a voice message and relaying the voice message to the determined destination address (col. 2, line 13-25, col. 5, line 9-29, col. 6, line 41-61).

45. As to claim 21, **Wu** teaches the invention as claimed, including the method of claim 1, further comprising associating both the mobile device identifier and the intermediate address with a communication pathway associated with the destination address (col. 4, line 26-65).

46. Claim 29 has similar limitations as claim 13; therefore, they are rejected under the same rationale.

47. Claims 14-15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Wu et al.** (hereinafter Wu) U.S. Patent No. **6,813,489**, in view of **Guedalia et al.** (hereinafter Guedalia) U.S. Patent No. **6,907,112**, and further in view of **Everhart** U.S. Patent No. **6,928,614**.

48. As to claim 14, **Wu and Guedalia** teaches the invention as claimed, including the method of claim 1. However, the combination of **Wu and Guedalia** does not explicitly teach wherein the transmit action comprises pressing and holding a button on the mobile device while speaking the reply. **Everhart** teaches the transmit action comprises pressing and holding a button on the mobile device while speaking the reply (col. 1, line 42-col. 2, line 16, col. 3, line 32-col. 4, line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu, Guedalia and Everhart** to include the feature of pressing and holding a button on the mobile device while speaking the reply because it would have provided a convenient and easy to use mobile office interface which integrates both voice and manual user inputs to provide simplicity and flexibility when controlling mobile office functions.

49. As to claim 15, **Wu and Guedalia** teaches the invention as claimed, including the method of claim 1. However, the combination of **Wu and Guedalia** does not explicitly teach wherein the transmit action comprises pressing and releasing a button on the mobile device before speaking, and pressing and releasing a button on the mobile device when finished speaking. **Everhart** teaches the transmit action comprises pressing and releasing a button on the mobile device before speaking, and pressing and releasing a button on the mobile device when finished speaking (col. 1, line 42-col. 2, line 16, col. 3,

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line 32-col. 4, line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu, Guedalia and Everhart** to include the feature of pressing and releasing a button on the mobile device before speaking, and pressing and releasing a button on the mobile device when finished speaking because it would have provided a convenient and easy to use mobile office interface which integrates both voice and manual user inputs to provide simplicity and flexibility when controlling mobile office functions.

50. Claim 31 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Wu et al.** (hereinafter Wu) U.S. Patent No. **6,813,489**, in view of **Everhart** U.S. Patent No. **6,928,614**.

51. As to claim 31, **Wu** teaches the invention as claimed, including the method of claim 22. However, **Wu** does not explicitly teach wherein the transmit action input is a push-to-talk input. **Everhart** teaches wherein the transmit action input is a push-to-talk input (col. 1, line 42-col. 2, line 16, col. 3, line 32-col. 4, line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Wu and Everhart** to include the feature the transmit action input is a push-to-talk input because it would have provided a convenient and easy to use mobile office interface which integrates both voice and manual user inputs to provide simplicity and flexibility when controlling mobile office functions.

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Conclusion

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/THUHA T. NGUYEN/

Primary Examiner, Art Unit 2453

